

REMARKS/ARGUMENTS

Claims 1-27 are now in the application. Claim 1 is amended amended. Claims 26 and 27 are new. Claims 1, 16, 26 and 27 are independent claims.

Allowable Subject Matter

The Office Action objected to claims 6-8 as being dependent upon a rejected base claim, but stated that they would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants have selected not to rewrite claim 6-8 because, as argued below, applicants are of the opinion that claim 1 is in a form for allowance.

Instead, as claim 1 is in allowable form, applicants request that this objection be withdrawn and claims 6-8 be allowed as dependant claims.

Specification

The Office Action reminds the application of the proper form for the abstract. A substitute abstract is supplied with this amendment that now conforms to the proper form for the abstract.

Amendments to the Specification

Applicant has amended the specification to place the priority claim to Japanese Patent Application No. 2003-162942 filed on June 6, 2003 in a more appropriate place in the application.

Support for this amendment can be found on page 34, paragraph [0158] of the application as filed.

Claim Rejection Under 35 U.S.C. 103(a)

The Office Action rejects claims 1-5, 10-18 and 20-25 as obvious over Koda et al. (U.S. Patent 6,699,178) in view of Mattson (U.S. Patent 4,785,796). Claim 19 was rejected as being obvious Koda et al. (U.S. Patent 6,699,178) in view of Faludi et al. (U.S. Patent publication 2003/0187331)..

Examiner states that Koda et al. teaches all the elements of applicants claim 1, including "an ear picking main body so formed as to guide the light generated by the light

source to be guided to the leading terminal thereof”, but does not disclose “an ear picking part furnished with a surface layer made of a fibrous material to be disposed in the ear picking main body by exposing the leading terminal”.

Examiner states that Mattson teaches an endoscopic auditory canal cleaning device hand an absorbent sock made from cotton which can be used to remove fluid samples and that, in view of Mattson, it would have been obvious to furnish the ear picking part in the apparatus of Koda with a fibrous material in order to provide a means for the removal of fluids.

Applicants submit that Mattson teaches an absorbent sock. Such a sock attached to applicants’ ear picking part would result in the leading terminal of applicants’ ear picking being covered, and no light could radiate out from the leading terminal. As is clear from the claim element “taking in an image of the interior of the auditory canal radiated by the light guided to the leading terminal of said ear picking main body”, the sock taught by Madison would prevent an image being taken of the interior of the auditory canal as no light can be radiated through the sock.. Combining Madison with Koda et al. would result in an unworkable device. Madison and Koda et al. do not, therefore, make applicants invention of claim 1 obvious.

To further clarify this point, applicants have amended claim 1 to now read, in relevant part:

an ear picking main body so formed as to guide the light generated by said light source to the leading terminal thereof,

an ear picking part furnished with a surface layer made of a fibrous material, said ear picking part being adapted to be disposed in said ear picking main body ~~by~~ while exposing said leading terminal,

an image incorporating means for taking in an image of the interior of the auditory canal radiated by the light guided to the leading terminal of said ear picking main body

Applicants submit that the amendments to claim one are for clarification and in no way narrow the scope of the claim.

In view of the arguments and the clarifying amendment, applicants respectfully request that the rejection be withdrawn and claim 1 allowed.

Examiner states that Koda et al. and Mattson, in combination, teach all the elements of applicants claim 16.

Koda et al. teaches an ear picking main body having an integral extension that is scrapper shaped. Mattson teaches an ear picking main body which has a flattened end that accommodates the sock that removes fluid.

Applicants submit that neither Koda or Mattson teaches "an ear picking main body shaped like a bar" having "an ear picking part disposed on the outer periphery of the leading terminal of said ear picking body".

To further clarify this difference, applicants have amended claim 16 to now read, in relevant part " a cylindrical ear picking main body ~~shaped like a bar~~".

As neither Koda or Mattson, in combination or alone, teaches applicants' claim 16, applicants respectfully request that this rejection be withdrawn and claim 16 be allowed.

As claims 2-5, 10-15 and 17-25 depend from, and include all the limitations of, allowable claims, they are in allowable condition. Applicants therefore request that the rejection be withdrawn and claims 2-5, 10-15 and 17-25 allowed.

New Claims 26 and 27

Support for new claims 26 and 27 is found in, for instance, the application as filed on page 7, paragraphs [0047] – [0050], page 9, paragraphs [0060] – [0062].

Applicants submit that none of the cited prior art, alone or in combination teaches either:

an elastically-deformable, tubular, ear-picking part having a through-hole and an outer layer made of fibrous material, said deformable, tubular, ear-picking part being removably attached over said ear-picking main body so as to leave said leading terminal of said ear-picking main body exposed and capable of providing illumination;

as claimed by applicants new claim 26, or :

an ear picking main body having one or more annular protrusions,
an elastically-deformable, tubular, ear-picking part having a

through-hole and an outer layer made of fibrous material, said deformable, tubular, ear-picking part being removably attached over said annular protrusions of said ear picking main body;

as claimed by applicants new claim 27.

Applicant therefore requests that new claims 26 and 27 be entered and allowed.

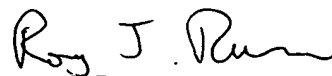
Summary

Therefore in view of the foregoing amendments and remarks, applicant respectfully requests entry of the amendments, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 1-27 be allowed at an early date and the patent allowed to issue.

Respectfully submitted,

Yoshiharo Koda
Kojiro Koda

By



Roy J. Rosser
Agent for Applicant
Reg. No. 53,533
(609) 786-1086 (Direct Dial Tel. No.)

Synnestvedt Lechner and Woodbridge
P. O. Box 592
Princeton, NJ 08542-0592
Tel. (609) 924-3773
Fax (609) 924-1811

Cc: Inventors via M. Hatta